

LYONS & FLOOD, LLP

ATTORNEYS AT LAW

65 WEST 36TH STREET, 7TH FLOOR
NEW YORK, NEW YORK 10018

TELEPHONE: (212) 594-2400

FAX: (212) 594-4589

KIRK M. LYONS

E-Mail: klyons@lyons-flood.com

ADMITTED IN NEW YORK,
CONNECTICUT, NEW JERSEY,
& MASSACHUSETTS

October 26, 2009

BY CM / ECF

Honorable Jose L. Linares
United States District Judge
Martin Luther King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: UES Intermodal AG v. Cosco Shanghai Ship Management Co., Ltd., *et al.*
09 Civ. 5320 (JLL)
Our File No.: 2690002

Dear Judge Linares:

We represent plaintiff UES Intermodal AG in this Rule B maritime attachment action and write in response to inquiries from Chambers regarding the status of one of the defendants in this action as a garnishee.

As noted by Your Honor's Clerk, paragraph 4 of the Verified Complaint and Schedule A, attached to the proposed Attachment Order, list defendant China Ocean Shipping (Group) Company ("COSCO") as one of the garnishees in this action. Further, paragraph 29 of the Verified Complaint alleges that the "garnishees to this action are New Jersey business entities and/or are registered to do business in New Jersey." These allegations stand in contrast to the previously submitted Declaration of Kirk M. Lyons, which declares that, upon information and belief, defendant COSCO is not present in the District of New Jersey.

We are aware that in order for a defendant to be subject to a Rule B attachment order, it cannot be "present" in the jurisdiction where the order is sought. Therefore, a Rule B action cannot be sought against defendant COSCO if it is in fact registered to do business in New Jersey and/or is a New Jersey business entity.

NEW JERSEY OFFICE:

1495 MORRIS AVENUE

UNION, NJ 07083

TEL: (201) 569-4435 FAX: (201) 569-4438

CONNECTICUT OFFICE:

19 COVENTRY LANE

RIVERSIDE, CT 06878

TEL: (203) 661-2355 FAX: (203) 661-2577


However, the listing of defendant COSCO as a garnishee in paragraph 4 of the Verified Complaint and Schedule A of the proposed Attachment Order was a clerical error and we apologize for the inconvenience caused to the Court by our mistake.

We therefore submit for Your Honor's review, the enclosed Amended Verified Complaint and proposed Attachment Order, which have been revised to rectify the mistake in our previous filings.

We thank you for your attention to this matter.

Respectfully yours,

Lyons & Flood, LLP

By: 
Kirk M. Lyons

Encl.

U:\kmhldocs\2690002\Correspondence\Linares 01 ltr.doc